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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,565	12/14/1999	STEVEN ERICSSON ZENITH	MS-148615.1	3972

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/461,565	STEVEN ERICSSON ZENITH	
	Examiner	Art Unit	
	Mylinh T Tran	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed 09/05/02* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Applicant's Amendment filed 12/14/99 has been entered and carefully considered. Claims 1-5, 7-13 and 16-26 have been amended. Claims 27-33 have been added. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1-33 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison [US. 5,694,163] in view of Barrett et al.[US. 6,400,381].

As to claims 1, 20, 22, 26, 29 and 30, Harrison discloses receiving a video signal at the device (see abstract and column 2, lines 53-67). Harrison cites "....A television program is combined with the associated data at a broadcast transmitter. The encoded television signal is broadcast..." read as the video signal; receiving at the device one or more chat communications corresponding to the video signal (column 2, lines 55-65). Harrison also cites "...their personal

computers over a telephone network with an on-line service that provides a chat capability...A chat formatter at this server formats and transmits the chat over an associated data channel..." read as the user interface device chat communications; displaying the video signal and the one or more chat communications on the display in a first mode (see Figure 2, (214, 216, 226), column 4, lines 22-49). The difference between Harrison and the claim is a link to a second display mode with a second proportion, position, or other display feature, that differs from the first proportion, position or other display feature for displaying the video signal and one or more chat communications. Barrett et al. shows the link to the second mode with a first proportion at figure 4, (42), (44), column 5, lines 18-47. Applicant's attention is directed to the lines "the icon 50 can be made to move....further, an icon can be caused to oscillate when the associated client computer moves from a first Web page to a second Web page" read as a fist display mode links to a second display mode. At figure 4, while window (42) represents the first display mode with a first proportion, position, or other display feature, window (44) is the second display mode with a second proportion, position, or other display feature. The first mode and the second mode are different from each other. It would have been obvious to one of ordinary skill in the art, having the teachings of Harrison and Barrett et al. before them at the time the invention was made to modify the chat communication corresponding to the video signal taught by Harrison to include the link to the second mode of the display of Barrett, with the motivation being

to allow user to be able to use various display modes and to be able to connect to the Internet and watch television simultaneously via a single user interface device as taught by Barrett et al.

As to claims 2 and 12, Harrison also discloses the video signal is a television show (column 2, lines 53-67).

As to claims 3 and 13, Harrison teaches the chat communications is text (see abstract and column 2, lines 54-68).

As to claims 4 and 14, while Harrison also teaches the video signal is displayed on a first portion of the display (Figure 2, (214, 216, 226) column 4, lines 22-60), Barrett shows one or more chat communications are displayed on a second portion of the display (figure 4, (44)).

As to claims 5 and 15, Barrett et al. shows the chat overlies a portion of the video signal (column 5, lines 18-36). Window (42) overlies window (44).

As to claims 6 and 16, Harrison also shows changing the video signal to receive a different channel, and in response to the different channel sending a request to a server for different chat communication corresponding to the different channel (column 6, lines 40-60).

As to claim 7, Barrett demonstrates actuating the link and thereby interpreting a document having display attributes corresponding to the second mode (figure 4, (50), column 5, line 30-47).

As to claims 8 and 18, Harrison also demonstrates displaying an area on the display for sending information relating to the video signal or one or more chat communications (column 4, line 50 through column 5, line 7).

As to claims 9 and 19, Harrison discloses displaying an area of the display for scrolling through the one more chat Communications (column 2, lines 31-51).

As to claims 10, 31 and 33, Barrett also discloses the selecting the link (icon 50), wherein the link identifies a television markup language document that represents the second display mode and rendering the document to display the video signal and one or more chat communications in accordance with the second display mode (column 5, lines 47-57).

As to claim 11, the claim is analyzed as previously discussed with respect to claim 1 except for a link to a different format for displaying the video signal and the chat communications of Barrett shows the different format on column 5, lines 18-47.

As to claim 17, the claim is analyzed as previously discussed with respect to claims 7 and 11.

As to claim 21, Barrett shows the means for switching to the second mode includes actuating a hypertext link displayed in the first mode (column 4, lines 21-31)

As to claim 23, Barrett also shows the documents are written in a form of hypertext markup language (column 5, lines 47-57).

As to claim 24, the claim is analyzed as previously discussed with respect to claims 2 and 3.

As to claim 25, Harrison teaches a transmitter operated by the controller for sending text input over the Internet to a chat room broadcasting the text signals (column 4, lines 50-67).

As to claim 27, Harrison shows the video comprises a television show (column 2, lines 30-36).

As to claim 28, Harrison also shows changing the video to a different channel, and in response to the different channel sending a request to a server for different chat corresponding to the different channel (column 2, lines 23-32).

As to claim 32, Harrison teaches instruction for displaying an area on the display for scrolling through the chat (column2, lines 38-48).

Response to Arguments

In response to Applicant's argument that Harrison fails to display "the chat program and Television program are displayed on same window". However, Claim 1 recites "displaying the video signal and the one or more chat communications on the display", not the window. Harrison teaches this feature at figure 2, (214, 216 and 226). Both chat program (226) and Television program (216) are displayed on the same display (214), column 4, lines 33-35. Other arguments are moot in view of new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid

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